

Matthew G. Ball (SBN 208881)
Matthew.Ball@klgates.com
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111
Telephone: (415) 882-8200
Facsimile: (415) 882-8220

Judith H. Ramseyer (admitted *pro hac vice*)
judy@ramseyerlaw.com
LAW OFFICES OF JUDITH H. RAMSEYER PLLC
2025 First Avenue, Suite 1130
Seattle, WA 98121
Telephone: (206) 728-6872
Facsimile: (206) 260-6689

Attorneys for Defendants
GENE HENSLEY, DAVID HERRICK,
JOHN HENLEY, PEGGY FRY and
JOHN McCONNELL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CLARK and REBECCA WIXON, NORMAN
and BARBARA WIXON, and KANDICE
SCATTOLON, derivatively and on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WYNDHAM RESORT DEVELOPMENT
CORP. (f/k/a Trendwest Resorts, Inc.), GENE
HENSLEY, DAVID HERRICK, JOHN
HENLEY, PEGGY FRY, AND JOHN
McCONNELL, and nominally,
WORLDMARK, THE CLUB,

Defendants.

Case No. C 07-2361 JSW

**STIPULATION AND ORDER
AMENDING DEADLINE TO FILE
DISCOVERY MOTIONS**

Class and Derivative Action

1 Pursuant to the Order Scheduling Trial and Pretrial Matters (Dkt. 412), fact discovery closes
2 on March 18, 2010. Under Civil Local Rule 26-2, motions to compel discovery must be filed no
3 later than 7 court days following discovery cut-off, or March 29, 2010.

4 Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and Kandice Scattolon
5 ("Plaintiffs") and Defendants Gene Hensley, David Herrick, John Henley, Peggy Fry, and John
6 McConnell ("Director Defendants") hereby stipulate, subject to Court approval, to extend the
7 deadline to file discovery motions involving the parties to this stipulation, from March 29, 2010 to
8 April 9, 2009. As stated in prior pleadings (*see* Dkt. Nos. 427, 431, 438), the parties are engaged in
9 ongoing, good faith discussions of methods to resolve the litigation which, if successful, will
10 eliminate the need for motion practice to resolve outstanding discovery disputes as between the
11 Plaintiffs and the Director Defendants. Accordingly, the parties to this stipulation seek a short
12 continuance, from March 29, 2010 to April 9, 2010, for the limited purpose of extending the time by
13 which motions may be filed to resolve currently pending discovery disputes.

14 Subject to Court approval, the undersigned parties hereby stipulate that the motion deadline
15 set forth in Rule 26-2 may be extended to April 9, 2010, for the limited purpose of allowing the
16 parties additional time to file motions to resolve discovery disputes currently outstanding should
17 they fail to reach a settlement of the litigation before that time. The parties agree that no party to this
18 stipulation may initiate new discovery requests or depositions pursuant to this limited continuance.

19 No dates set by the Order Scheduling Trial and Pretrial Matters (Dkt. 412) are affected by
20 this stipulation.

21 //

22 //

23 //

24 //

25 //

26 //

27

1 The undersigned parties have conferred with counsel for Defendant Wyndham Resort
2 Development Corporation (“Wyndham”), who has advised that Wyndham takes no position with
3 respect to the matters embraced by this stipulation or motion deadlines for discovery disputes as
4 between Plaintiffs and Director Defendants.

5
6 Dated: March 18, 2010

GIRARD GIBBS LLP

7
8 By: /s/ Elizabeth C. Pritzker
Jonathan K. Levine
9 Elizabeth C. Pritzker

10 Attorneys for Individual and Representative
11 Plaintiffs Clarke and Rebecca Wixon,
12 Norman and Barbara Wixon, and Kandice
13 Scattolon

14 Dated: March 18, 2010

K&L GATES LLP

15 By: /s/ Matthew G. Ball
16 Matthew G. Ball
matthew.ball@klgates.com

17
18 LAW OFFICES OF
JUDITH H. RAMSEYER PLLC
19 Judith H. Ramseyer

20 Attorneys for Defendants Gene Hensley,
21 John Henley, David Herrick, Peggy Fry,
22 and John McConnell
23
24
25
26
27

ORDER

FOR GOOD CAUSE SHOWN, PURSUANT TO STIPULATION, THE COURT HEREBY GRANTS THE RELIEF REQUESTED BY PLAINTIFFS AND DIRECTOR DEFENDANTS, AND EXTENDS THE LOCAL CIVIL RULE 26-2 DISCOVERY MOTION DEADLINE FROM MARCH 29 TO APRIL 9, 2010.

Dated: March 18, 2010.



Jeffrey S. White, United States District Judge